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Attorneys for Plaintiffs, HEATHER WHITE and CRAIG WHITE, her husband

HEATHER WHITE and CRAIG WHITE,)	UNITED STATES DISTRICT COURT
her husband,)	DISTRICT OF NEW JERSEY
)	Civil Action No.
Plaintiffs,)	
vs.)	Civil Action
)	
Wal-Mart of Newton, and Wal-Mart Stores)	COMPLAINT AND JURY DEMAND
East, L.P., John Doe I-X and)	
ABC Corporation I-10, meant to indicate)	
persons or entities who had control,)	
maintenance, construction, manufacturing,)	
installation or other responsibilities)	
regarding the sign which caused the)	
plaintiff's injury,)	
)	
Defendants.)	
)	

The plaintiffs, Heather White and Craig White, her husband, residing at 8 Brookside Court, in the town of Newton, State of New Jersey, complaining of the defendants says:

JURISDICTION

This Court has original diversity jurisdiction herein pursuant to 28 U.S.C. Sec. 1332(a)(1). Plaintiffs are residents of the State of New Jersey. Named defendants are business entities incorporated, on information and belief, in Arkansas, have a mailing address and corporate headquarters in Bentonville, Arkansas, and do business in New Jersey. Damages suffered by plaintiff are in excess of \$75,000.00.

FIRST COUNT

1. On or about the 4th day of September 2007, the plaintiffs, Heather White and Craig White, her husband, were business invitees on premises owned, operated, maintained and controlled by defendants, or one of them.

2. At the time and place aforesaid, defendants so negligently owned, operated and maintained their premises so as to cause the plaintiff, Heather White, to be injured, more particularly by an unsecured sign falling on her.

3. ABC Corporation and John Doe are meant to designate presently unknown entities and persons who owned, operated, maintained or controlled the premises where the plaintiff was injured, or installed or had other responsibility regarding the sign in question.

4. As a direct and proximate result of the negligence of defendants in the ownership, operation, maintenance and control of their premises, plaintiff was caused to sustain injuries, was caused to suffer great pain and anguish, and will in the future be caused to suffer pain and anguish, was caused to incur medical expenses and will in the future be caused to incur medical expenses, was caused to lose time from her employment and was caused to suffer severe, serious and permanent injuries and was otherwise damaged.

WHEREFORE, the plaintiff, Heather White, demands judgment against the defendant for damages, interest and costs of suit on this First Count.

SECOND COUNT

1. The plaintiffs, Heather White and Craig White, her husband, repeat and reiterate each and every allegation of the First Count of this Complaint and make them a part herein.

2. At the time of the accident and down to the present time, the plaintiff, Craig White has been the spouse of Heather White, and as such is entitled to her love, services and

consortium, all of which he has been deprived of due to the negligence of the defendants.

WHEREFORE, the plaintiffs, Heather White and Craig White, her husband, demand judgment against the defendants for damages, interest and cost of suit on this Second Count.


JURY DEMAND

PLEASE TAKE NOTICE that the plaintiff, pursuant to Federal Rules, hereby demands a trial by Jury as to all issues.

CERTIFICATION

I hereby certify that the within document has been filed with the Clerk of the captioned Court and that a copy of the same was served upon all interested attorneys within the period of time allowed in accordance with the Rules of Court.

FRANCIS M. SMITH, P.C.

BY: 
FRANCIS M. SMITH
Attorney for Plaintiffs

DATED: May 13, 2009